



7217/60188-Y

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant : Fumitake Yodo

Serial No. : 09/923,618

Filed : August 7, 2001 Appeal No.

For : TERMINAL DEVICE, ACCOUNTING SYSTEM AND DATA
PROCESSING METHOD

Group : 3627

Examiner : Andrew J. Fischer

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Appeal Brief, Commissioner for Patents, P.O.
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Reg. No. 27,213 November 22, 2004

November 22, 2004
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APPELLANT'S BRIEF

Mail Stop Appeal Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an Appeal to the Board of Patent Appeals and
Interferences from the Decision dated July 14, 2004, of the
Examiner finally rejecting the sole claim remaining in this
application.

1. REAL PARTY IN INTEREST

This application is assigned to Sony Corporation, 7-35 Kitashinagawa 6-chome, Shinagawa-ku, Tokyo, Japan by the Assignment recorded July 17, 2000 at Reel 010981, Frame 0857.

2. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences presently known to the undersigned.

3. STATUS OF ALL CLAIMS

This application, which is a division of application serial No. 09/600,509 filed July 17, 2000, was originally filed with 12 claims and a Preliminary Amendment canceling claims 1-9. Claims 10-12 were amended by the Amendment mailed July 18, 2002. Claims 11 and 12 were amended and claim 10 was canceled by the Amendment mailed January 10, 2003. Claims 11 and 12 were amended by the Amendment mailed May 7, 2003 and again by the Amendment mailed October 13, 2003. Claim 11 was amended and claim 12 was canceled by the Amendment mailed April 12, 2004. A Response, without any claim Amendments, was mailed August 12, 2004 and an Advisory Action maintaining the final rejection of July 14, 2004 was mailed August 31, 2004. Claim 11, the sole claim pending in this application stands finally rejected and is the basis of this Appeal.

4. STATUS OF AMENDMENTS FILED SUBSEQUENT TO FINAL REJECTION

In response to the final rejection mailed July 14, 2004, a Response, without any claim amendments, was mailed August 12, 2004 and an Advisory Action maintaining the final rejection of July 14, 2004 was mailed August 31, 2004. Claim 11, the sole claim pending in this application, stands finally rejected and is set forth in Exhibit A attached hereto.

5. SUMMARY OF INVENTION

The presently claimed invention relates to a data processing method in an accounting system (Fig. 1) including an accounting center (1 in Fig. 1) and a terminal device (10 in Fig. 1) communicating with the accounting center (as shown in Fig. 1).

The data processing method includes the steps of:

storing accounting points in a first memory of the terminal device (CPU 11 stores accounting points (PT) in point memory 45 in Fig. 3);

storing distributed information distributed from an external source (1 in Fig. 1) and attributes (a permission flag) corresponding to the distributed information in a second memory of the terminal device (CPU 11 stores information in hard disk (HDD) 15 in Fig. 3, and step S4 in Fig. 8) and setting the attributes to an unavailable state (step S5 in Fig. 8, and page 33, lines 7-12);

updating the accounting points (PT) stored in the first

memory of the terminal device (45 in Fig. 3) and updating the attributes of the distributed information from the unavailable state to an available state (step S8 in Fig. 8, and page 34, lines 10-13) when the accounting points are updated correctly based on the distributed information (step S7 in Fig. 8);

transmitting the accounting points (by CPU 11 in Fig. 3) stored in the first memory of the terminal device (45 in Fig. 3) to the accounting center (1 in Fig. 3, steps S6 or S11 in Fig. 8, and page 39, lines 13-16, for example);

carrying out an accounting processing (Fig. 9 or Fig. 11) in the accounting center (1 in Fig. 3) based on the accounting points transmitted from the terminal device (10 in Fig. 1, steps S41-46 in Fig. 11, steps S21-24 in Fig. 9, for example); and

restoring the accounting points in the first memory (45 in Fig. 3) to an initial value (step S26 in Fig. 9) after receiving a notification from the accounting center (1 in Fig. 3) indicating that the accounting processing has ended normally (step S26 in Fig. 9, step S14 in Fig. 8, and step S47 in Fig. 11, for example).

6. ISSUES

Whether claim 11 is patentable under 35 U.S.C. §102(e) over Peterson '020 (U.S. Patent No. 5,857,020).

Whether claim 11 is patentable under 35 U.S.C. §103(a) over Peterson '020 (U.S. Patent No. 5,857,020).

7. GROUPING OF CLAIMS

Claim 11 being the sole claim under Appeal stands or falls by itself.

8. ARGUMENT

8.1 CLAIM 11 IS PATENTABLE UNDER 35 U.S.C. §102(e) OVER PETERSON '020 (U.S. PATENT 5,857,020).

As described above in the "SUMMARY OF INVENTION" section of this Brief, features of the claimed data processing method in an accounting system including an accounting center and a terminal device according to the present invention are a step of transmitting accounting points stored in a first memory of the terminal device to the accounting center, and a step of carrying out an accounting processing in the accounting center based on the accounting points transmitted from the terminal device.

Peterson '020 is merely teaching the use of a general prepaid card (88 in Fig. 3) that requires the user to contact the accounting center to purchase the prepaid card or to adjust the amount of prepaid funds available in the prepaid card (91 in Fig. 3).

Looking at Peterson '020 we see that there is no transmission of the accounting points from the terminal device to the accounting center and no accounting process carried out in the accounting center based on the accounting points transmitted

from the terminal device to the accounting center. General prepaid cards, such as the one used Peterson '020, require the user to contact the accounting center to purchase or update the card.

It is respectfully submitted that col. 2, lines 62-66 of Peterson '020, pointed to in the appealed Office Action of July 14, 2004 at paragraph 2 as teaching the transmission of the accounting points from the terminal device to the accounting center, is merely teaching the use of an online authorization process, wherein a consumer purchases the right to view a movie for a certain fee. There is no transmission of accounting points from the terminal device to the accounting center in such a system.

Accordingly, it is respectfully submitted that claim 11 is not anticipated by Peterson '020.

8.2 CLAIM 1 IS PATENTABLE UNDER 35 U.S.C §103(a) OVER PETERSON '020 (U.S. PATENT 5,857,020).

It is respectfully submitted that Peterson '020 fails to show or suggest transmitting the accounting points from the terminal device to the accounting center and the accounting center carrying out an accounting process based on the accounting points transmitted from the terminal device. Peterson '020 is merely teaching the use of a general prepaid card (88 in Fig. 3)

that requires the user to contact the accounting center to purchase the card or to adjust the amount of the prepaid funds (91 in Fig. 3). In the system taught by Peterson '020 there is no transmission of the accounting points from the terminal device to the accounting center.

Accordingly, at least because Peterson '020 fails to show or suggest transmitting the accounting points from the terminal device to the accounting center and the accounting center carrying out an accounting process based on the accounting points transmitted by the terminal device, it is respectfully submitted that claim 11 is patentably distinct over Peterson '020.

A reversal of the final rejection of claim 11 by this Honorable Board is respectfully requested.

Respectfully submitted,

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Exhibit A

Claim 11 (Finally Rejected). A data processing method in an accounting system including an accounting center and a terminal device communicating with the accounting center, the method comprising the steps of:

storing accounting points in a first memory of the terminal device;

storing distributed information distributed from an external source and attributes corresponding to the distributed information in a second memory of the terminal device and setting the attributes to an unavailable state;

updating the accounting points stored in the first memory of the terminal device and updating the attributes of the distributed information from the unavailable state to an available state when the accounting points are updated correctly based on the distributed information;

transmitting the accounting points stored in the first memory of the terminal device to the accounting center;

carrying out an accounting processing in the accounting center based on the accounting points transmitted from the terminal device, and

restoring the accounting points in the first memory to an initial value after receiving a notification from the accounting center indicating that the accounting processing has ended normally.